

Likewise, the Applicant further traverses the rejection of Claim 10 concerning the sealing layer including a foil. As above, Vicker is silent on the use of any type of sealing layer.

The Applicant further traverses the rejection of Claim 18 and the dependent claims thereon. Independent Claim 18 states as follows:

18. A beverage system for producing a beverage from a source of hot water and a number of beverage material containers, comprising:  
a plate;  
said plate comprising a plurality of apertures, said plurality of apertures sized to accommodate the beverage material containers; and  
an injection station positioned about said plate;  
said injection station comprising means for injecting the beverage material containers with hot water from the hot water source so as to produce the beverage.

In this claim, the injection station includes "means for injection the beverage material containers with hot water". Under *In re Donaldson*, 29 USPQ2d 1845 (Fed. Cir. 1994), the evaluation of a means plus function clause focuses on the disclosure in the specification. MPEP §2181. As such, the "means for injecting" disclosed in the specification focus on actual penetration of the cartridge. See Fig. 14. See also page 20, lines 7-9 ("as is shown in Fig. 14, the injection nozzle 200 of the injector head 420 may penetrate the top seal 830 of the pod cartridge 210.") Clearly no such penetration is shown in Vicker. Because such a limitation is lacking, the claim is not anticipated.

The Applicant further traverses the rejection of Claim 32 concerning an ejector assembly. Although Vicker describes mounting the pod cartridges 20 within a sleeve 36 (See Fig. 10), the reference appears to be silent on actually removing the pods 20 from the turret. Without such a disclosure, Vicker does not anticipate the claim.

Independent Claim 37 also recites the use of an ejection station. As such, the claims is not anticipated by Vickers. Claim 37, however, has been amended with the limitation of the eccentric cam. The use of such has been indicated as being allowable. See, e.g., Claim 6.

**Claim Rejection: 35 U.S.C. § 103:**

Claims 2-5, 7, 22-25, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vicker in view of U.S. Patent No. 5,472,719 to Favre. The Examiner stated that Favre shows an injection system with an injection nozzle for penetrating a beverage cartridge.

The Applicant respectfully traverses the rejection for the reasons given above. With respect to Claims 7 and 27 concerning the force of the drive system, the cited references appear to be silent on the range limitation of about 135 to about 165 kilograms of force.

**Claim Rejection: 35 U.S.C. § 103:**

Claims 32 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vicker in view of U.S. Patent No. 5,855,161 to Cortese. The Applicant traverses the rejection for the reasons described above. Likewise, Claim 37 has been amended as described above.

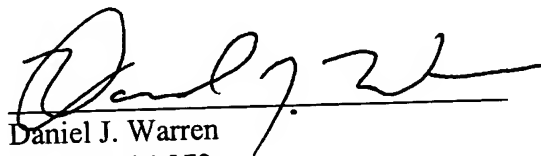
**Allowable Subject Matter:**

The Applicant acknowledges that Claims 6, 8, 9, 21, 26, 30, 31, 33, and 36 are allowable if rewritten.

**CONCLUSION**

The Applicant believes it has responded to each matter raised in the Office Action. Any questions may be directed to the undersigned at 404.853.8028.

Respectfully submitted,

  
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**AMENDMENTS WITH REVISIONS INDICATED**

37. (Amended Once) A beverage system for producing a beverage from a source of hot water and a number of beverage material containers, comprising:

a transport assembly for maneuvering the beverage material containers;

a loading assembly positioned adjacent to said transport assembly for loading the beverage material containers onto said transport assembly;

an injection station positioned adjacent to said transport assembly for injecting the beverage material containers with hot water from the hot water source;

said injection station comprising an eccentric cam; and

an ejection station positioned adjacent to said transport assembly for removing the beverage material containers from said transport assembly.